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FIFTIETH LEGISLATIVE DAY
MONDAY, MARCH 2, 2009

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator McKenzie, absent and formally excused by the Chair; and Senators Brackett and Hill, absent and excused.

Prayer was offered by Senator Siddoway.

The Pledge of Allegiance was led by Emily Tippetts, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 27, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 27, 2009

The JUDICIARY AND RULES Committee reports that [S 1098](#), as amended, [S 1084](#), as amended, and [S 1071](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1098](#), as amended, [S 1084](#), as amended, and [S 1071](#), as amended, were filed for first reading.

February 27, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1098](#), [S 1084](#), and [S 1071](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 27, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1012](#) and [S 1019](#) were delivered to the Office of the Governor at 2:40 p.m., February 27, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senators Brackett and Hill were recorded present at this order of business.

March 2, 2009

The STATE AFFAIRS Committee reports out [HCR 16](#) and [HCR 13](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[HCR 16](#) and [HCR 13](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 27, 2009

Dear Mr. President:

I return herewith Enrolled [S 1018](#) and [S 1041](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1018](#) and [S 1041](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Mark Sweeney was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Werk, the Gubernatorial appointment of Mark Sweeney as a member of the Aeronautics Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

**S 1130
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-432, IDAHO CODE, TO PROVIDE FOR LIMITS ON CERTAIN PERMITS, TO PROVIDE EXCEPTIONS AND TO MAKE A TECHNICAL CORRECTION.

**S 1131
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-1223, IDAHO CODE, TO PROVIDE CERTAIN EXCEPTIONS TO THE APPLICATION OF CERTAIN CHAPTER SECTIONS; AND DECLARING AN EMERGENCY.

**S 1132
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO EDUCATION, SCHOOL DISTRICTS AND PUBLIC SCHOOL BUILDINGS; TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-356, IDAHO CODE, TO PROVIDE FOR SCHOOL BUILDING DESIGN AND ENERGY EFFICIENCY, TO PROVIDE THAT SCHOOL DISTRICTS MAY SEEK TO QUALIFY FOR REDUCTIONS IN BUILDING REPLACEMENT VALUE CALCULATIONS FOR CERTAIN BUILDINGS, TO PROVIDE FOR THE USE OF INTEGRATED DESIGN PRACTICES AND FUNDAMENTAL COMMISSIONING IN THE DESIGN AND CONSTRUCTION OF CERTAIN BUILDINGS, TO PROVIDE FOR AN OPTIMIZATION REVIEW OF QUALIFYING BUILDINGS, TO PROVIDE DEFINITIONS, TO DIRECT THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY TO PROVIDE CERTAIN ASSISTANCE, TO COMPILE AND MAKE AVAILABLE A LIST OF CERTAIN COMMISSIONING AGENTS AND TO ENSURE THAT SUCH AGENTS ARE CERTIFIED, TO PROVIDE FOR RULES AND TO DIRECT THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY TO PROVIDE CERTAIN CERTIFICATIONS TO THE STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 33-1019, IDAHO CODE, TO EXEMPT CERTAIN SQUARE FOOTAGE OF CERTAIN PUBLIC SCHOOL BUILDINGS FROM REPLACEMENT VALUE CALCULATION, TO PROVIDE THAT THE AMOUNT OF RELIEF PROVIDED TO ANY SCHOOL DISTRICT SHALL NOT EXCEED THE AMOUNT PROVIDED PURSUANT TO A CERTAIN VALUE INDEX, TO PROVIDE PROVISIONS RELATING TO FORGIVENESS OF CERTAIN REQUIREMENTS; TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND TO PROVIDE FOR A REPORT.

**S 1133
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO DRIVING BUSINESSES; REPEALING CHAPTER 21, TITLE 49, IDAHO CODE, RELATING TO COMMERCIAL DRIVER SCHOOLS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 54, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE AND DECLARATION OF POLICY, TO DEFINE TERMS, TO CREATE THE DRIVING BUSINESSES LICENSURE BOARD IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES, TO PROVIDE FOR TERMS OF MEMBERS, QUALIFICATIONS, POWERS AND DUTIES, MEETINGS AND COMPENSATION, TO PROVIDE FEES, TO PROVIDE LICENSE REQUIREMENTS FOR DRIVING BUSINESSES, TO PROVIDE REQUIREMENTS FOR DRIVING INSTRUCTORS, TO PROVIDE CURRICULUM COMPONENTS FOR DRIVING BUSINESSES, TO PROVIDE FOR DISCIPLINARY ACTIONS AND TO PROHIBIT CERTAIN ACTS; AND AMENDING SECTION 67-2601, IDAHO CODE, TO CREATE THE CERTIFIED SHORTHAND REPORTERS BOARD AND THE DRIVING BUSINESSES LICENSURE BOARD IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES AND TO MAKE TECHNICAL CORRECTIONS.

[S 1130](#), [S 1131](#), [S 1132](#), and [S 1133](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[S 1098](#), as amended, by Transportation Committee, was read the first time at length and filed for second reading.

[S 1084](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

[S 1071](#), as amended, by Agricultural Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 51](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 102](#), by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[H 143](#), by Local Government Committee, was read the second time at length and filed for third reading.

[SJR 101](#), by State Affairs Committee, was read the second time at length and filed for third reading.

President Pro Tempore Geddes assumed the Chair.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [H 64](#), as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, [S 1074](#), as amended, retained its place on the Third Reading Calendar for one legislative day.

[S 1080](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Corder, McKenzie. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1080](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1096](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Heinrich, Hill, Kelly, LeFavour, Lodge, McGee, McKague, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Werk, Winder. Total - 25.

NAYS—Andreason, Geddes, Goedde, Hammond, Jorgenson, Keough, Mortimer. Total - 7.

Absent and excused—Corder, McKenzie, Stegner. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [S 1096](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Tuesday, March 3, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary